

November 19, 2007

BY ECF AND FACSIMILE

The Honorable Leonard B. Sand, U.S.D.J.  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: Local 338, RWDSU/UFCW v.  
Foodtown/PSK Supermarkets, Inc.,  
Case No. 07-CV-2824 (LBS)

Dear Judge Sand:

We represent Local 338, RWDSU/UFCW (the "Union"), Plaintiff in the above-referenced action. We write pursuant to your Order requiring the parties to file a Notice of Settlement to respectfully inform Your Honor that all of the issues in this case have not yet been resolved. We expect the remaining matters to be resolved shortly.

As Your Honor is aware, the parties were scheduled to hold a hearing on November 7, 2007 to determine whether Jaythen Navarro wished to return to a Local 338 shop or remain at a non-union shop. The parties were able to settle that issue, and agreed that Mr. Navarro would return to work at the Union shop, so the hearing was unnecessary.

The parties are moving expeditiously to resolve this case. However, Plaintiff filed this case in order to confirm the entire arbitration award. This includes ensuring that the two employees in question have received all of the contractual benefits to which they are entitled. See Arbitration Award at 13 (Jan. 19, 2007) (enclosed). Although a variety of issues have been settled, there is at least one outstanding issue. The Union is investigating that issue,

The Honorable Leonard B. Sand, U.S.D.J.  
November 19, 2007  
Page 2

and whether there are any other matters to resolve before it will be able to confirm settlement of this case.

Because there are outstanding issues in this case, Plaintiff respectfully requests that Your Honor adjourn the Order for a Notice of Settlement. Thank you for your consideration.

Respectfully submitted,

Elise S. Feldman

Encl.

cc: Heather Boshak, Esq. (by facsimile) (w/ encl.)